

EXHIBIT A

E-FILED | 8/21/2020 12:41 PM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

COVER SHEET

GENERAL INFORMATION

IN THE CIRCUIT COURT OF BERKELEY COUNTY WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

First Plaintiff: ☐ Business ☒ Individual
☐ Government ☐ Other

First Defendant: ☐ Business ☒ Individual
☐ Government ☐ Other

Judge: Michael Lorensen

COMPLAINT INFORMATION

Case Type: Civil

Complaint Type: Tort

Origin: ☒ Initial Filing ☐ Appeal from Municipal Court ☐ Appeal from Magistrate Court

Jury Trial Requested: ☒ Yes ☐ No **Case will be ready for trial by:** 4/25/2021

Mediation Requested: ☐ Yes ☒ No

Substantial Hardship Requested: ☐ Yes ☒ No

☒ Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- ☒ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other: _____

☐ I am proceeding without an attorney

☒ I have an attorney: Ronald Harman, PO Box 1938, Martinsburg, WV 25402

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ATTEST

Virginia M. Sine
Clerk Circuit Court

By: Ronald Harman
Deputy Clerk

SERVED PARTIES (only first 10 parties are listed)

Name: Robert Webster Fields Jr.
Address: 12935 Little Elliott Drive, Hagerstown MD 21740
Days to Answer: 30 **Type of Service:** Secretary of State - Certified - Including Copy Fee

Name: Turner Transportation Group, Inc.
Address: 625 W. Washington Street, Hagerstown MD 21740
Days to Answer: 30 **Type of Service:** Secretary of State - Certified - Including Copy Fee

Name: Doe Defendant 1
Address:
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: Doe Defendant 2
Address:
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: Doe Defendant 3
Address:
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: Doe Defendant 4
Address:
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: Doe Defendant 5
Address:
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: Doe Defendant 6
Address:
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: Doe Defendant 7
Address:
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: Doe Defendant 8
Address:
Days to Answer: N/A **Type of Service:** Hold for Later Service

E-FILED: 8/21/2020 12:41 PM
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Berkeley County Circuit Clerk
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IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

MARK BRADLEY FOLTZ,

Plaintiff,

v.

CIVIL ACTION NO.: 20-C-____

**ROBERT WEBSTER FIELDS JR.,
TURNER TRANSPORTATION GROUP
INC., and DOE DEFENDANTS 1-10
(i.e., Unknown Doe Individuals,
Partnerships, Corporations, Limited
Liability Companies, and Other
Unknown Entities of any Kind),**

Defendants.

COMPLAINT

1. Plaintiff Mark Bradley Foltz (hereinafter also referred to as "Plaintiff Foltz") is and was at all times material hereto a citizen and resident of Berkeley County, West Virginia.

2. Defendant Robert Webster Fields Jr. (hereinafter also referred to as "Defendant Webster") is and was at all times material hereto a resident of Washington County, Maryland.

3. Defendant Turner Transportation Group Inc. (hereinafter also referred to as "Defendant Turner Transportation") is and was at all times material hereto a foreign corporation formed and conducting its affairs principally in the State of Maryland, and which is a commercial interstate transportation company.

4. Defendant Turner Transportation Group Inc. includes any and all parents, subsidiaries, affiliates, divisions, franchises, partners, joint ventures, trade names, and organizational units of any kind, as well as its predecessors, successors, and assigns, and its present officers, directors, employees, agents, representatives, and any other person acting on its behalf.

5. Doe Defendants 1-10 are Doe individuals, partnerships, corporations, limited liability companies, and unknown entities of any other kind, whose identities and capacities are currently unknown to Plaintiff Foltz, who therefore sues these Doe Defendants by such fictitious names.

6. Upon information and belief, Doe Defendants 1-10 are currently unknown to Plaintiff Foltz and are any one or more of the following:

- (a) Parties that are in some manner responsible for the events and occurrences described herein that proximately caused the injuries and damages complained herein by Plaintiff Foltz;
- (b) Parties that lease, manage, operate, maintain, or are otherwise responsible for the 2014 Extra Heavy Volvo Truck Tractor with trailer being operated by Defendant Fields at the time of the subject crash;
- (c) Parties that were the employer(s) or principal(s) of Defendant Fields at any times material hereto, and/or;
- (d) Parties that assumed or retained the liabilities of Defendant Fields by virtue of an agreement or contract.

7. When the names and the capacities of Doe Defendants 1-10 have been identified, Plaintiff Foltz will seek leave to amend this Complaint to join said Doe Defendants in this action.

8. The motor vehicle crash which is the subject of this Complaint occurred on August 29, 2018, on Charles Town Road in Berkeley County, West Virginia.

9. At all times material hereto on August 29, 2018, Defendant Fields was a commercial truck driver and was an agent, apparent agent, servant, representative, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants, and was

acting within the course and scope of such agency, apparent agency, representation, and/or employment.

10. Upon information and belief, at the time of the motor vehicle crash on August 29, 2018, Defendant Fields was operating a 2014 Extra Heavy Volvo Truck Tractor with trailer owned by Defendant Turner Transportation within the course and scope of his agency, apparent agency, representation, and/or employment with Defendant Turner Transportation and/or Doe Defendants 1-10.

11. At the time of the motor vehicle crash on August 29, 2018, Defendant Fields, upon information and belief, was performing his duties as an agent, apparent agent, servant, representative, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants 1-10.

12. This Court has subject matter jurisdiction over the claims made by Plaintiff herein pursuant to Article VIII, Section 6 of the West Virginia Constitution and W.Va. Code §51-2-2.

13. The Court has personal jurisdiction over Defendant Turner Transportation, Defendant Fields and Doe Defendants 1-10 because, at all times material hereto, they transacted business in West Virginia, contracted to supply services or things in West Virginia, and/or committed tortious acts and/or omissions in West Virginia which caused injury to Plaintiff Foltz in West Virginia.

14. Venue is proper in this Court pursuant to W.Va. Code §56-1-1(a) in that Plaintiff Foltz's causes of action arose in Berkeley County, West Virginia.

COUNT I
Negligence - Defendant Robert Webster Fields Jr.

15. Plaintiff Foltz incorporates all previous paragraphs as if reprinted here.

16. On August 29, 2018, Plaintiff Foltz was lawfully and properly operating a 2002 Ford Mustang in the eastbound lane of Charles Town Road in Berkeley County, West Virginia, and was without any contributory or comparative fault.

17. On August 29, 2018, Defendant Fields was operating a 2014 Extra Heavy Volvo Truck Tractor with trailer in the eastbound lane of Charles Town Road in Berkeley County, West Virginia.

18. Upon information and belief, the 2014 Extra Heavy Volvo Truck Tractor with trailer being operated by Defendant Fields on August 29, 2018, was owned by Defendant Turner Transportation.

19. On August 29, 2018, Defendant Fields was negligent and reckless in the operation of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer upon Charles Town Road in Berkeley County, West Virginia, so as to cause a collision involving Plaintiff Foltz.

20. On August 29, 2018, Defendant Fields, while traveling in the eastbound lane of Charles Town Road in Berkeley County, West Virginia, failed to reduce his speed and struck the rear of Plaintiff Foltz's motor vehicle.

21. On August 29, 2018, Defendant Fields owed to Plaintiff Foltz a duty to use due care and caution in the operation and control of the aforementioned 2014 Extra Heavy Volvo Truck with trailer, to drive with due care, to reasonably protect the safety, health, and life of Plaintiff Foltz, and to obey the traffic laws in the West Virginia Code, as well as the rules of the common law.

22. In violation of the duties owed to Plaintiff Foltz, Defendant Fields was negligent, grossly negligent, and reckless in several respects, including, but not limited to, the following:

- a. Operating a motor vehicle in an inattentive, reckless, and careless manner;
- b. Failing to maintain control of a motor vehicle so as to prevent injury to others, including Plaintiff Foltz;

- c. Driving too fast for the conditions;
- d. Failing to maintain a careful and proper lookout, and failing to react in a reasonably prudent manner to what he should have seen;
- e. Operating a motor vehicle in disregard for the safety of persons or property, including Plaintiff Foltz;
- f. Engaging in careless and prohibited driving;
- g. Failing to use due care generally; and
- h. Defendant Fields was otherwise negligent as will become apparent through discovery.

23. On August 29, 2018, Defendant Fields negligently, carelessly, and recklessly violated each of the aforesaid duties owed to Plaintiff Foltz, which negligence and recklessness was a proximate cause of Plaintiff Foltz's injuries.

24. Currently, Plaintiff Foltz has incurred medical expenses in excess of \$16,000.00 as a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of Defendant Fields.

25. To date, Plaintiff Foltz has incurred lost wages in excess of \$75,000.00 as a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of Defendant Fields.

26. As a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of Defendant Fields, Plaintiff Foltz has been damaged and seeks compensation, therefore, by way of: (1) physical pain and suffering, both past and future; (2) emotional distress, both past and future; (3) mental anguish, both past and future; (4) medical expenses, both past and future; (5) wage loss and/or loss of earning capacity, both past and future; (6) loss of enjoyment of life, both past and future; (7) permanency of his injuries; and (8) all other damages permitted by applicable law.

COUNT II

**Vicarious Liability of Defendant Turner Transportation Group Inc.
and Doe Defendants 1-10**

27. Plaintiff Foltz incorporates all previous paragraphs as if reprinted here.

28. At all times material hereto, Defendant Fields was an agent, apparent agent, representative, servant, employee, and/or statutory employee of Defendant Turner Transportation Group Inc. and/or Doe Defendants 1-10.

29. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 hired Defendant Fields to act for its/their financial benefit.

30. At all times material hereto, Defendant Fields was subject to the direction and control of Defendant Turner Transportation and/or Doe Defendants 1-10.

31. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 had the right, power, and authority to control and direct Defendant Fields in the performance of his work and in the manner in which he performed his work.

32. At all times material hereto, upon information and belief, Defendant Turner Transportation and/or Doe Defendants 1-10 actually exercised their right, power, and authority to control and direct Defendant Fields in the performance of his work and in the manner in which he performed his work by:

- a. Hiring Defendant Fields as a commercial truck driver;
- b. Qualifying Defendant Fields as a commercial truck driver;
- c. Training Defendant Fields as a commercial truck driver;
- d. Determining Defendant Fields' travel routes;
- e. Monitoring Defendant Fields' log books;
- f. Supplying Defendant Fields with the 2014 Extra Heavy Volvo Truck Tractor with trailer he was driving at the time of the subject motor vehicle crash;

- g. Controlling the manner in which Defendant Fields operated the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer he was operating at the time of the subject motor vehicle crash; and/or
- h. Paying for the maintenance, fuel, and/or repairs of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer Defendant Fields was operating at the time of the subject motor vehicle crash.

33. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 compensated and/or directed that compensation be paid to Defendant Fields for his services.

34. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 had the power to dismiss Defendant Fields.

35. The types of duties that Defendant Fields was involved in at the time of the subject motor vehicle crash on August 29, 2018, were the types of activities that Defendant Fields was hired to perform by Defendant Turner Transportation and/or Doe Defendants 1-10.

36. At the time of the subject motor vehicle crash on August 29, 2018, and at all other times material hereto, Defendant Fields was acting within his authorized capacity as an agent, apparent agent, servant, representative, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants 1-10.

37. At all relevant times on August 29, 2018, Defendant Turner Transportation and Doe Defendants 1-10 expressly and/or impliedly consented to Defendant Fields' use of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer in the execution of his duties, and Defendant Fields was, in fact, engaged in such duties at the time of the subject motor vehicle crash.

38. All of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields were committed while acting as an agent, apparent agent, representative,

servant, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants 1-10.

39. All of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields occurred while he was acting within the course and scope of his agency, apparent agency, representation, and/or employment with Defendant Turner Transportation and/or Doe Defendants 1-10.

40. All of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields occurred while Defendant Fields was furthering the business interests of Defendant Turner Transportation and/or Doe Defendants 1-10.

41. Defendant Fields' use of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer on August 29, 2018, was of such vital importance in furthering the business of Defendant Turner Transportation and/or Doe Defendants 1-10 that its/their control over it may otherwise be reasonably inferred.

42. Under the doctrine of *respondeat superior*, Defendant Turner Transportation and/or Doe Defendants 1-10 are vicariously liable for all of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields which occurred within the course and scope of his agency, apparent agency, representation, and/or employment with Defendant Turner Transportation and/or Doe Defendants 1-10.

WHEREFORE, Plaintiff Foltz demands judgment against Defendant Fields, Turner Transportation Group Inc., and Doe Defendants 1-10, jointly and severally, in an amount in excess of the jurisdictional limits of this Court to fully, fairly, and adequately compensate him for her injuries and damages. Plaintiff demands all pre-judgment and post-judgment interest, reasonable attorney fees and costs, and any other relief as the court may deem proper.

**PLAINTIFF SEEKS A TRIAL BY JURY ON
ALL COUNTS OF THIS COMPLAINT.**

Mark Bradley Foltz
By Counsel

/s/ Ronald M. Harman

Ronald M. Harman - W.Va. Bar No. 6040
Mark Jenkinson - W.Va. Bar No. 5215
Burke, Schultz, Harman & Jenkinson
Post Office Box 1938
Martinsburg, WV 25402-1938
(304) 263-0900
rhorman@burkeandschultz.com
mjenkinson@burkeandschultz.com

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ATTEST

Virginia M. Sine
Clerk Circuit Court
By: Rhonda L. Sine
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Ronald Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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Virginia Sine
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(304) 264-1918
belinda.parsons@courtsww.gov

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Clerk Circuit Court
By: Belinda Parsons
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West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Robert Webster Fields Jr.
12935 Little Elliott Drive
Hagerstown, MD 21740

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

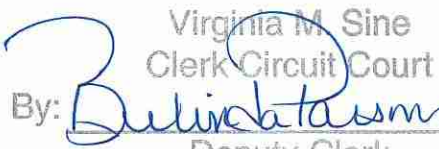
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Clerk Circuit Court

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belinda.parsons@courtswv.gov



West Virginia E-Filing Notice

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Judge: Michael Lorensen

To: Turner Transportation Group, Inc.
625 W. Washington Street
Hagerstown, MD 21740

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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Clerk Circuit Court

By: Belinda Parsons
Deputy Clerk

(304) 264-1918

belinda.parsons@courtsww.gov

SUMMONS

E-FILED | 8/21/2020 12:41 PM
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Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT OF BERKELEY WEST VIRGINIA
Mark Bradley Foltz v. Robert Webster Fields Jr.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Robert Webster Fields Jr., 12935 Little Elliott Drive, Hagerstown, MD 21740

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Ronald Harman, PO Box 1938, Martinsburg, WV 25402

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

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Date

/s/ Virginia Sine

Clerk

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SUMMONS

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Virginia Sine

IN THE CIRCUIT OF BERKELEY WEST VIRGINIA
Mark Bradley Foltz v. Robert Webster Fields Jr.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Turner Transportation Group, Inc., 625 W. Washington Street, Hagerstown, MD 21740

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By: Rebecca Peters

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

20-C-205
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 By: Delirika Adams
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Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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(304) 264-1918

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Clerk Circuit Court

By:

Belinda Parsons
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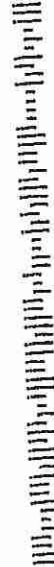


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<p>2. Article Number (Transfer from service label)</p> <p><u>7020 0090 0001 7243 3558</u></p> <p>PS Form 3871, July 2015 PSN 7530-02-000-9053</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery (over \$500)</p>	

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Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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By: Belinda Parsons
Deputy Clerk

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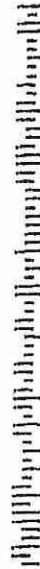


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By:

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Deputy Clerk

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<p>1. Article Addressed to:</p> <p>WV BUSINESS ONE STOP CENTER ATTN: SERVICE OF PROCESS SECTION 1615 WASHINGTON STREET, EAST CHARLESTON, WV 25311-2126</p> <p>9590 9402 5877 0038 6136 44</p> <p>7020 10040 0001 7243 3534</p> <p>Article Number (Transfer from service label)</p>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Date of Delivery</p> <p>Donna Vernate</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>BC CIRCUIT CLERK, WV</p>	
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dpuller@burkeandschultz.com

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Mark Bradley Foltz v. Robert Webster Fields Jr.
CC-02-2020-C-205

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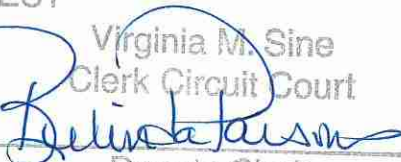
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Building 1 Suite 157-K
1900 Kanawha Blvd E.
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Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
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BERKELEY COUNTY CIRCUIT COURT
380 W SOUTH STREET
SUITE 2200
Martinsburg, WV 25401-3210

2020 AUG 31 PM 10:38
BERKELEY COUNTY CIRCUIT CLERK, WV

Control Number: 262328

Defendant: TURNER TRANSPORTATION
GROUP, INC.
625 W. WASHINGTON STREET
HAGERSTOWN, MD 21740 US

County: Berkeley

Civil Action: 20-C-205

Certified Number: 92148901125134100002759787

Service Date: 8/25/2020

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your unauthorized foreign corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

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Mac Warner
Secretary of State

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Clerk Circuit Court
By: *Debra Harris*
Deputy Clerk

SUMMONS

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IN THE CIRCUIT OF BERKELEY WEST VIRGINIA
Mark Bradley Foltz v. Robert Webster Fields Jr.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Turner Transportation Group, Inc., 625 W. Washington Street, Hagerstown, MD 21740
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Ronald Harman, PO Box 1938, Martinsburg, WV 25402

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

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/s/ Virginia Sine

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To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
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BERKELEY COUNTY CIRCUIT COURT
380 W SOUTH STREET
SUITE 2200
Martinsburg, WV 25401-3210

Control Number: 262329

Defendant: ROBERT WEBSTER FIELDS, JR.
12935 LITTLE ELLIOTT DRIVE
HAGERSTOWN, MD 21740 US

County: Berkeley

Civil Action: 20-C-205

Certified Number: 92148901125134100002759794

Service Date: 8/25/2020

I am enclosing:

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which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, not to the Secretary of State's office.

Sincerely,

Mac Warner

Mac Warner
Secretary of State

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Deirdra L. Sine
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IN THE CIRCUIT OF BERKELEY WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Robert Webster Fields Jr., 12935 Little Elliott Drive, Hagerstown, MD 21740

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NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA
Mark Bradley Foltz v. Robert Webster Fields Jr.
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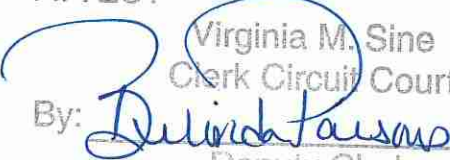
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Bill to:
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 380 W SOUTH STREET
 SUITE 2200
 Martinsburg, WV 25401-3210

Reference #: 20-C-205
 Defendant name: TURNER TRANSPORTATION
 GROUP INC. & ROBERT WEBSTER FIELDS, JR
 County: BERKELEY

Reference: 20-C-205

Invoice summary

Service	Service #	Qty	Unit Cost	Subtotal	Description
Service - US defendant	15	2	\$20.00	\$40.00	Filing fee for case #20-C-205
Remaining balance (pay this amount):				\$40.00	

Payment methods

Payment is due at time of service.
 Accepted payment methods are check, credit card, or Intergovernmental Transfer (IGT).

Intergovernmental transfer

State agencies using IGT: please follow the WVOASIS allocation instructions below for each billed item:
Make sure to specify INVOICE ID #532684.

Service Id	OASIS Account # Fund Dept Unit Rev Function	Invoice Id	Amount
15	0155-1600-1003-5592-5712	532684	\$20.00
	1612-1600-1003-6696-5712	532684	\$20.00

*paid in August month end close
 RB 9/1/2020*

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Mark Bradley Foltz v. Robert Webster Fields Jr.

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NOTICE TO: Robert Webster Fields Jr., 12935 Little Elliott Drive, Hagerstown, MD 21740

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IN THE CIRCUIT OF BERKELEY WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Turner Transportation Group, Inc., 625 W. Washington Street, Hagerstown, MD 21740

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Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

MARK BRADLEY FOLTZ,

Plaintiff,

v.

CIVIL ACTION NO.: 20-C-____

**ROBERT WEBSTER FIELDS JR.,
TURNER TRANSPORTATION GROUP
INC., and DOE DEFENDANTS 1-10
(i.e., Unknown Doe Individuals,
Partnerships, Corporations, Limited
Liability Companies, and Other
Unknown Entities of any Kind),**

Defendants.

COMPLAINT

1. Plaintiff Mark Bradley Foltz (hereinafter also referred to as "Plaintiff Foltz") is and was at all times material hereto a citizen and resident of Berkeley County, West Virginia.

2. Defendant Robert Webster Fields Jr. (hereinafter also referred to as "Defendant Webster") is and was at all times material hereto a resident of Washington County, Maryland.

3. Defendant Turner Transportation Group Inc. (hereinafter also referred to as "Defendant Turner Transportation") is and was at all times material hereto a foreign corporation formed and conducting its affairs principally in the State of Maryland, and which is a commercial interstate transportation company.

4. Defendant Turner Transportation Group Inc. includes any and all parents, subsidiaries, affiliates, divisions, franchises, partners, joint ventures, trade names, and organizational units of any kind, as well as its predecessors, successors, and assigns, and its present officers, directors, employees, agents, representatives, and any other person acting on its behalf.

5. Doe Defendants 1-10 are Doe individuals, partnerships, corporations, limited liability companies, and unknown entities of any other kind, whose identities and capacities are currently unknown to Plaintiff Foltz, who therefore sues these Doe Defendants by such fictitious names.

6. Upon information and belief, Doe Defendants 1-10 are currently unknown to Plaintiff Foltz and are any one or more of the following:

- (a) Parties that are in some manner responsible for the events and occurrences described herein that proximately caused the injuries and damages complained herein by Plaintiff Foltz;
- (b) Parties that lease, manage, operate, maintain, or are otherwise responsible for the 2014 Extra Heavy Volvo Truck Tractor with trailer being operated by Defendant Fields at the time of the subject crash;
- (c) Parties that were the employer(s) or principal(s) of Defendant Fields at any times material hereto, and/or;
- (d) Parties that assumed or retained the liabilities of Defendant Fields by virtue of an agreement or contract.

7. When the names and the capacities of Doe Defendants 1-10 have been identified, Plaintiff Foltz will seek leave to amend this Complaint to join said Doe Defendants in this action.

8. The motor vehicle crash which is the subject of this Complaint occurred on August 29, 2018, on Charles Town Road in Berkeley County, West Virginia.

9. At all times material hereto on August 29, 2018, Defendant Fields was a commercial truck driver and was an agent, apparent agent, servant, representative, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants, and was

acting within the course and scope of such agency, apparent agency, representation, and/or employment.

10. Upon information and belief, at the time of the motor vehicle crash on August 29, 2018, Defendant Fields was operating a 2014 Extra Heavy Volvo Truck Tractor with trailer owned by Defendant Turner Transportation within the course and scope of his agency, apparent agency, representation, and/or employment with Defendant Turner Transportation and/or Doe Defendants 1-10.

11. At the time of the motor vehicle crash on August 29, 2018, Defendant Fields, upon information and belief, was performing his duties as an agent, apparent agent, servant, representative, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants 1-10.

12. This Court has subject matter jurisdiction over the claims made by Plaintiff herein pursuant to Article VIII, Section 6 of the West Virginia Constitution and W.Va. Code §51-2-2.

13. The Court has personal jurisdiction over Defendant Turner Transportation, Defendant Fields and Doe Defendants 1-10 because, at all times material hereto, they transacted business in West Virginia, contracted to supply services or things in West Virginia, and/or committed tortious acts and/or omissions in West Virginia which caused injury to Plaintiff Foltz in West Virginia.

14. Venue is proper in this Court pursuant to W.Va. Code §56-1-1(a) in that Plaintiff Foltz's causes of action arose in Berkeley County, West Virginia.

COUNT I
Negligence - Defendant Robert Webster Fields Jr.

15. Plaintiff Foltz incorporates all previous paragraphs as if reprinted here.

16. On August 29, 2018, Plaintiff Foltz was lawfully and properly operating a 2002 Ford Mustang in the eastbound lane of Charles Town Road in Berkeley County, West Virginia, and was without any contributory or comparative fault.

17. On August 29, 2018, Defendant Fields was operating a 2014 Extra Heavy Volvo Truck Tractor with trailer in the eastbound lane of Charles Town Road in Berkeley County, West Virginia.

18. Upon information and belief, the 2014 Extra Heavy Volvo Truck Tractor with trailer being operated by Defendant Fields on August 29, 2018, was owned by Defendant Turner Transportation.

19. On August 29, 2018, Defendant Fields was negligent and reckless in the operation of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer upon Charles Town Road in Berkeley County, West Virginia, so as to cause a collision involving Plaintiff Foltz.

20. On August 29, 2018, Defendant Fields, while traveling in the eastbound lane of Charles Town Road in Berkeley County, West Virginia, failed to reduce his speed and struck the rear of Plaintiff Foltz's motor vehicle.

21. On August 29, 2018, Defendant Fields owed to Plaintiff Foltz a duty to use due care and caution in the operation and control of the aforementioned 2014 Extra Heavy Volvo Truck with trailer, to drive with due care, to reasonably protect the safety, health, and life of Plaintiff Foltz, and to obey the traffic laws in the West Virginia Code, as well as the rules of the common law.

22. In violation of the duties owed to Plaintiff Foltz, Defendant Fields was negligent, grossly negligent, and reckless in several respects, including, but not limited to, the following:

- a. Operating a motor vehicle in an inattentive, reckless, and careless manner;
- b. Failing to maintain control of a motor vehicle so as to prevent injury to others, including Plaintiff Foltz;

- c. Driving too fast for the conditions;
- d. Failing to maintain a careful and proper lookout, and failing to react in a reasonably prudent manner to what he should have seen;
- e. Operating a motor vehicle in disregard for the safety of persons or property, including Plaintiff Foltz;
- f. Engaging in careless and prohibited driving;
- g. Failing to use due care generally; and
- h. Defendant Fields was otherwise negligent as will become apparent through discovery.

23. On August 29, 2018, Defendant Fields negligently, carelessly, and recklessly violated each of the aforesaid duties owed to Plaintiff Foltz, which negligence and recklessness was a proximate cause of Plaintiff Foltz's injuries.

24. Currently, Plaintiff Foltz has incurred medical expenses in excess of \$16,000.00 as a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of Defendant Fields.

25. To date, Plaintiff Foltz has incurred lost wages in excess of \$75,000.00 as a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of Defendant Fields.

26. As a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of Defendant Fields, Plaintiff Foltz has been damaged and seeks compensation, therefore, by way of: (1) physical pain and suffering, both past and future; (2) emotional distress, both past and future; (3) mental anguish, both past and future; (4) medical expenses, both past and future; (5) wage loss and/or loss of earning capacity, both past and future; (6) loss of enjoyment of life, both past and future; (7) permanency of his injuries; and (8) all other damages permitted by applicable law.

COUNT II

**Vicarious Liability of Defendant Turner Transportation Group Inc.
and Doe Defendants 1-10**

27. Plaintiff Foltz incorporates all previous paragraphs as if reprinted here.

28. At all times material hereto, Defendant Fields was an agent, apparent agent, representative, servant, employee, and/or statutory employee of Defendant Turner Transportation Group Inc. and/or Doe Defendants 1-10.

29. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 hired Defendant Fields to act for its/their financial benefit.

30. At all times material hereto, Defendant Fields was subject to the direction and control of Defendant Turner Transportation and/or Doe Defendants 1-10.

31. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 had the right, power, and authority to control and direct Defendant Fields in the performance of his work and in the manner in which he performed his work.

32. At all times material hereto, upon information and belief, Defendant Turner Transportation and/or Doe Defendants 1-10 actually exercised their right, power, and authority to control and direct Defendant Fields in the performance of his work and in the manner in which he performed his work by:

- a. Hiring Defendant Fields as a commercial truck driver;
- b. Qualifying Defendant Fields as a commercial truck driver;
- c. Training Defendant Fields as a commercial truck driver;
- d. Determining Defendant Fields' travel routes;
- e. Monitoring Defendant Fields' log books;
- f. Supplying Defendant Fields with the 2014 Extra Heavy Volvo Truck Tractor with trailer he was driving at the time of the subject motor vehicle crash;

- g. Controlling the manner in which Defendant Fields operated the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer he was operating at the time of the subject motor vehicle crash; and/or
- h. Paying for the maintenance, fuel, and/or repairs of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer Defendant Fields was operating at the time of the subject motor vehicle crash.

33. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 compensated and/or directed that compensation be paid to Defendant Fields for his services.

34. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 had the power to dismiss Defendant Fields.

35. The types of duties that Defendant Fields was involved in at the time of the subject motor vehicle crash on August 29, 2018, were the types of activities that Defendant Fields was hired to perform by Defendant Turner Transportation and/or Doe Defendants 1-10.

36. At the time of the subject motor vehicle crash on August 29, 2018, and at all other times material hereto, Defendant Fields was acting within his authorized capacity as an agent, apparent agent, servant, representative, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants 1-10.

37. At all relevant times on August 29, 2018, Defendant Turner Transportation and Doe Defendants 1-10 expressly and/or impliedly consented to Defendant Fields' use of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer in the execution of his duties, and Defendant Fields was, in fact, engaged in such duties at the time of the subject motor vehicle crash.

38. All of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields were committed while acting as an agent, apparent agent, representative,

servant, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants 1-10.

39. All of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields occurred while he was acting within the course and scope of his agency, apparent agency, representation, and/or employment with Defendant Turner Transportation and/or Doe Defendants 1-10.

40. All of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields occurred while Defendant Fields was furthering the business interests of Defendant Turner Transportation and/or Doe Defendants 1-10.

41. Defendant Fields' use of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer on August 29, 2018, was of such vital importance in furthering the business of Defendant Turner Transportation and/or Doe Defendants 1-10 that its/their control over it may otherwise be reasonably inferred.

42. Under the doctrine of *respondeat superior*, Defendant Turner Transportation and/or Doe Defendants 1-10 are vicariously liable for all of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields which occurred within the course and scope of his agency, apparent agency, representation, and/or employment with Defendant Turner Transportation and/or Doe Defendants 1-10.

WHEREFORE, Plaintiff Foltz demands judgment against Defendant Fields, Turner Transportation Group Inc., and Doe Defendants 1-10, jointly and severally, in an amount in excess of the jurisdictional limits of this Court to fully, fairly, and adequately compensate him for her injuries and damages. Plaintiff demands all pre-judgment and post-judgment interest, reasonable attorney fees and costs, and any other relief as the court may deem proper.

**PLAINTIFF SEEKS A TRIAL BY JURY ON
ALL COUNTS OF THIS COMPLAINT.**

Mark Bradley Foltz
By Counsel

/s/Ronald M. Harman

Ronald M. Harman - W.Va. Bar No. 6040
Mark Jenkinson - W.Va. Bar No. 5215
Burke, Schultz, Harman & Jenkinson
Post Office Box 1938
Martinsburg, WV 25402-1938
(304) 263-0900
rhorman@burkeandschultz.com
mjenkinson@burkeandschultz.com

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court

By:

Kulinda Harris
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Ronald Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

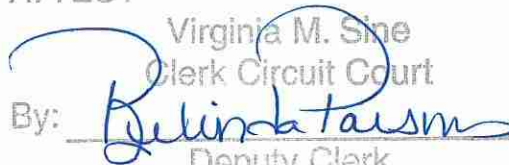
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By: 
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Judge: Michael Lorensen

To: Turner Transportation Group, Inc.
625 W. Washington Street
Hagerstown, MD 21740

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

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To: Doe Defendant 1

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Judge: Michael Lorensen

To: Doe Defendant 6

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Judge: Michael Lorensen

To: Doe Defendant 9

NOTICE OF FILING

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Judge: Michael Lorensen

To: Doe Defendant 10

NOTICE OF FILING

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Mark Bradley Foltz v. Robert Webster Fields Jr.

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West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Robert Webster Fields Jr.
14407 Marsh Pike
P. O. Box 2210
Hagerstown, MD 21742

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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SUMMONS

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IN THE CIRCUIT OF BERKELEY WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Robert Webster Fields Jr., 14407 Marsh Pike, P. O. Box 2210, Hagerstown, MD 21742

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Ronald Harman, PO Box 1938, Martinsburg, WV 25402

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

10/9/2020 10:46:41 AM

Date

/s/ Virginia Sine

Clerk

RETURN ON SERVICE:

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☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

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Date

Server's Signature

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Clerk Circuit Court

By:

Deputy Clerk

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Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

MARK BRADLEY FOLTZ,

Plaintiff,

v.

CIVIL ACTION NO.: 20-C-_____

**ROBERT WEBSTER FIELDS JR.,
TURNER TRANSPORTATION GROUP
INC., and DOE DEFENDANTS 1-10
(i.e., Unknown Doe Individuals,
Partnerships, Corporations, Limited
Liability Companies, and Other
Unknown Entities of any Kind),**

Defendants.

COMPLAINT

1. Plaintiff Mark Bradley Foltz (hereinafter also referred to as "Plaintiff Foltz") is and was at all times material hereto a citizen and resident of Berkeley County, West Virginia.

2. Defendant Robert Webster Fields Jr. (hereinafter also referred to as "Defendant Webster") is and was at all times material hereto a resident of Washington County, Maryland.

3. Defendant Turner Transportation Group Inc. (hereinafter also referred to as "Defendant Turner Transportation") is and was at all times material hereto a foreign corporation formed and conducting its affairs principally in the State of Maryland, and which is a commercial interstate transportation company.

4. Defendant Turner Transportation Group Inc. includes any and all parents, subsidiaries, affiliates, divisions, franchises, partners, joint ventures, trade names, and organizational units of any kind, as well as its predecessors, successors, and assigns, and its present officers, directors, employees, agents, representatives, and any other person acting on its behalf.

5. Doe Defendants 1-10 are Doe individuals, partnerships, corporations, limited liability companies, and unknown entities of any other kind, whose identities and capacities are currently unknown to Plaintiff Foltz, who therefore sues these Doe Defendants by such fictitious names.

6. Upon information and belief, Doe Defendants 1-10 are currently unknown to Plaintiff Foltz and are any one or more of the following:

- (a) Parties that are in some manner responsible for the events and occurrences described herein that proximately caused the injuries and damages complained herein by Plaintiff Foltz;
- (b) Parties that lease, manage, operate, maintain, or are otherwise responsible for the 2014 Extra Heavy Volvo Truck Tractor with trailer being operated by Defendant Fields at the time of the subject crash;
- (c) Parties that were the employer(s) or principal(s) of Defendant Fields at any times material hereto, and/or;
- (d) Parties that assumed or retained the liabilities of Defendant Fields by virtue of an agreement or contract.

7. When the names and the capacities of Doe Defendants 1-10 have been identified, Plaintiff Foltz will seek leave to amend this Complaint to join said Doe Defendants in this action.

8. The motor vehicle crash which is the subject of this Complaint occurred on August 29, 2018, on Charles Town Road in Berkeley County, West Virginia.

9. At all times material hereto on August 29, 2018, Defendant Fields was a commercial truck driver and was an agent, apparent agent, servant, representative, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants, and was

acting within the course and scope of such agency, apparent agency, representation, and/or employment.

10. Upon information and belief, at the time of the motor vehicle crash on August 29, 2018, Defendant Fields was operating a 2014 Extra Heavy Volvo Truck Tractor with trailer owned by Defendant Turner Transportation within the course and scope of his agency, apparent agency, representation, and/or employment with Defendant Turner Transportation and/or Doe Defendants 1-10.

11. At the time of the motor vehicle crash on August 29, 2018, Defendant Fields, upon information and belief, was performing his duties as an agent, apparent agent, servant, representative, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants 1-10.

12. This Court has subject matter jurisdiction over the claims made by Plaintiff herein pursuant to Article VIII, Section 6 of the West Virginia Constitution and W.Va. Code §51-2-2.

13. The Court has personal jurisdiction over Defendant Turner Transportation, Defendant Fields and Doe Defendants 1-10 because, at all times material hereto, they transacted business in West Virginia, contracted to supply services or things in West Virginia, and/or committed tortious acts and/or omissions in West Virginia which caused injury to Plaintiff Foltz in West Virginia.

14. Venue is proper in this Court pursuant to W.Va. Code §56-1-1(a) in that Plaintiff Foltz's causes of action arose in Berkeley County, West Virginia.

COUNT I
Negligence - Defendant Robert Webster Fields Jr.

15. Plaintiff Foltz incorporates all previous paragraphs as if reprinted here.

16. On August 29, 2018, Plaintiff Foltz was lawfully and properly operating a 2002 Ford Mustang in the eastbound lane of Charles Town Road in Berkeley County, West Virginia, and was without any contributory or comparative fault.

17. On August 29, 2018, Defendant Fields was operating a 2014 Extra Heavy Volvo Truck Tractor with trailer in the eastbound lane of Charles Town Road in Berkeley County, West Virginia.

18. Upon information and belief, the 2014 Extra Heavy Volvo Truck Tractor with trailer being operated by Defendant Fields on August 29, 2018, was owned by Defendant Turner Transportation.

19. On August 29, 2018, Defendant Fields was negligent and reckless in the operation of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer upon Charles Town Road in Berkeley County, West Virginia, so as to cause a collision involving Plaintiff Foltz.

20. On August 29, 2018, Defendant Fields, while traveling in the eastbound lane of Charles Town Road in Berkeley County, West Virginia, failed to reduce his speed and struck the rear of Plaintiff Foltz's motor vehicle.

21. On August 29, 2018, Defendant Fields owed to Plaintiff Foltz a duty to use due care and caution in the operation and control of the aforementioned 2014 Extra Heavy Volvo Truck with trailer, to drive with due care, to reasonably protect the safety, health, and life of Plaintiff Foltz, and to obey the traffic laws in the West Virginia Code, as well as the rules of the common law.

22. In violation of the duties owed to Plaintiff Foltz, Defendant Fields was negligent, grossly negligent, and reckless in several respects, including, but not limited to, the following:

- a. Operating a motor vehicle in an inattentive, reckless, and careless manner;
- b. Failing to maintain control of a motor vehicle so as to prevent injury to others, including Plaintiff Foltz;

- c. Driving too fast for the conditions;
- d. Failing to maintain a careful and proper lookout, and failing to react in a reasonably prudent manner to what he should have seen;
- e. Operating a motor vehicle in disregard for the safety of persons or property, including Plaintiff Foltz;
- f. Engaging in careless and prohibited driving;
- g. Failing to use due care generally; and
- h. Defendant Fields was otherwise negligent as will become apparent through discovery.

23. On August 29, 2018, Defendant Fields negligently, carelessly, and recklessly violated each of the aforesaid duties owed to Plaintiff Foltz, which negligence and recklessness was a proximate cause of Plaintiff Foltz's injuries.

24. Currently, Plaintiff Foltz has incurred medical expenses in excess of \$16,000.00 as a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of Defendant Fields.

25. To date, Plaintiff Foltz has incurred lost wages in excess of \$75,000.00 as a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of Defendant Fields.

26. As a direct and proximate result of the aforesaid negligence, carelessness, and recklessness of Defendant Fields, Plaintiff Foltz has been damaged and seeks compensation, therefore, by way of: (1) physical pain and suffering, both past and future; (2) emotional distress, both past and future; (3) mental anguish, both past and future; (4) medical expenses, both past and future; (5) wage loss and/or loss of earning capacity, both past and future; (6) loss of enjoyment of life, both past and future; (7) permanency of his injuries; and (8) all other damages permitted by applicable law.

COUNT II

**Vicarious Liability of Defendant Turner Transportation Group Inc.
and Doe Defendants 1-10**

27. Plaintiff Foltz incorporates all previous paragraphs as if reprinted here.

28. At all times material hereto, Defendant Fields was an agent, apparent agent, representative, servant, employee, and/or statutory employee of Defendant Turner Transportation Group Inc. and/or Doe Defendants 1-10.

29. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 hired Defendant Fields to act for its/their financial benefit.

30. At all times material hereto, Defendant Fields was subject to the direction and control of Defendant Turner Transportation and/or Doe Defendants 1-10.

31. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 had the right, power, and authority to control and direct Defendant Fields in the performance of his work and in the manner in which he performed his work.

32. At all times material hereto, upon information and belief, Defendant Turner Transportation and/or Doe Defendants 1-10 actually exercised their right, power, and authority to control and direct Defendant Fields in the performance of his work and in the manner in which he performed his work by:

- a. Hiring Defendant Fields as a commercial truck driver;
- b. Qualifying Defendant Fields as a commercial truck driver;
- c. Training Defendant Fields as a commercial truck driver;
- d. Determining Defendant Fields' travel routes;
- e. Monitoring Defendant Fields' log books;
- f. Supplying Defendant Fields with the 2014 Extra Heavy Volvo Truck Tractor with trailer he was driving at the time of the subject motor vehicle crash;

- g. Controlling the manner in which Defendant Fields operated the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer he was operating at the time of the subject motor vehicle crash; and/or
- h. Paying for the maintenance, fuel, and/or repairs of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer Defendant Fields was operating at the time of the subject motor vehicle crash.

33. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 compensated and/or directed that compensation be paid to Defendant Fields for his services.

34. At all times material hereto, Defendant Turner Transportation and/or Doe Defendants 1-10 had the power to dismiss Defendant Fields.

35. The types of duties that Defendant Fields was involved in at the time of the subject motor vehicle crash on August 29, 2018, were the types of activities that Defendant Fields was hired to perform by Defendant Turner Transportation and/or Doe Defendants 1-10.

36. At the time of the subject motor vehicle crash on August 29, 2018, and at all other times material hereto, Defendant Fields was acting within his authorized capacity as an agent, apparent agent, servant, representative, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants 1-10.

37. At all relevant times on August 29, 2018, Defendant Turner Transportation and Doe Defendants 1-10 expressly and/or impliedly consented to Defendant Fields' use of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer in the execution of his duties, and Defendant Fields was, in fact, engaged in such duties at the time of the subject motor vehicle crash.

38. All of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields were committed while acting as an agent, apparent agent, representative,

servant, employee, and/or statutory employee of Defendant Turner Transportation and/or Doe Defendants 1-10.

39. All of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields occurred while he was acting within the course and scope of his agency, apparent agency, representation, and/or employment with Defendant Turner Transportation and/or Doe Defendants 1-10.

40. All of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields occurred while Defendant Fields was furthering the business interests of Defendant Turner Transportation and/or Doe Defendants 1-10.

41. Defendant Fields' use of the aforementioned 2014 Extra Heavy Volvo Truck Tractor with trailer on August 29, 2018, was of such vital importance in furthering the business of Defendant Turner Transportation and/or Doe Defendants 1-10 that its/their control over it may otherwise be reasonably inferred.

42. Under the doctrine of *respondeat superior*, Defendant Turner Transportation and/or Doe Defendants 1-10 are vicariously liable for all of the aforesaid negligent, careless, and reckless acts and omissions of Defendant Fields which occurred within the course and scope of his agency, apparent agency, representation, and/or employment with Defendant Turner Transportation and/or Doe Defendants 1-10.

WHEREFORE, Plaintiff Foltz demands judgment against Defendant Fields, Turner Transportation Group Inc., and Doe Defendants 1-10, jointly and severally, in an amount in excess of the jurisdictional limits of this Court to fully, fairly, and adequately compensate him for her injuries and damages. Plaintiff demands all pre-judgment and post-judgment interest, reasonable attorney fees and costs, and any other relief as the court may deem proper.

**PLAINTIFF SEEKS A TRIAL BY JURY ON
ALL COUNTS OF THIS COMPLAINT.**

Mark Bradley Foltz
By Counsel

/s/ Ronald M. Harman

Ronald M. Harman - W.Va. Bar No. 6040
Mark Jenkinson - W.Va. Bar No. 5215
Burke, Schultz, Harman & Jenkinson
Post Office Box 1938
Martinsburg, WV 25402-1938
(304) 263-0900
rhorman@burkeandschultz.com
mjenkinson@burkeandschultz.com

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Judge: Michael Lorensen

To: Ronald Harman
dpuller@burkeandschultz.com

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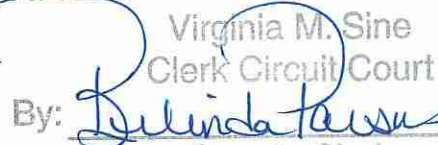
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Judge: Michael Lorensen

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Clerk Circuit Court

By: _____
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Judge: Michael Lorensen

To: Doe Defendant 5

NOTICE OF FILING

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Judge: Michael Lorensen

To: Doe Defendant 6

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West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Doe Defendant 7

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

The following reissue/additional summons was FILED on 10/9/2020 2:35:55 PM

Notice Date: 10/9/2020 2:35:55 PM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtsww.gov

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court
By: Belinda Parsons
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Doe Defendant 8

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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Virginia Sine
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MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtswv.gov

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Virginia M. Sine
Clerk Circuit Court
By: Belinda Parsons
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Doe Defendant 9

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

The following reissue/additional summons was FILED on 10/9/2020 2:35:55 PM

Notice Date: 10/9/2020 2:35:55 PM

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(304) 264-1918
belinda.parsons@courtsww.gov

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Virginia M. Sine
Clerk Circuit Court
By: Belinda Parsons
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Doe Defendant 10

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

The following reissue/additional summons was FILED on 10/9/2020 2:35:55 PM

Notice Date: 10/9/2020 2:35:55 PM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtswwv.gov

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Virginia M. Sine
Clerk Circuit Court
By: Belinda Parsons
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Turner Transportation Group, Inc.
1062 Florida Avenue
Hagerstown, MD 21740

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

The following reissue/additional summons was FILED on 10/9/2020 2:35:55 PM

Notice Date: 10/9/2020 2:35:55 PM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtswv.gov

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court

By: Belinda Parsons
Deputy Clerk

SUMMONS

E-FILED | 10/9/2020 2:35 PM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT OF BERKELEY WEST VIRGINIA
Mark Bradley Foltz v. Robert Webster Fields Jr.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Turner Transportation Group, Inc., 1062 Florida Avenue, Hagerstown, MD 21740

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Ronald Harman, PO Box 1938, Martinsburg, WV 25402

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

10/9/2020 2:35:55 PM

Date

/s/ Virginia Sine

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

☐ Not Found in Bailiwick

Date

Server's Signature

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court

By: Berlin A. Sine
Deputy Clerk

FILED | 10/19/2020 11:40 AM
 CC-02-2020-C-205
 Berkeley County Circuit Clerk
 Virginia Sine

7020 0090 0001 7243 3190

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☐ Return Receipt (hardcopy) \$ _____

☐ Return Receipt (electronic) \$ _____

☐ Certified Mail Restricted Delivery \$ _____

☐ Adult Signature Required \$ _____

☐ Adult Signature Restricted Delivery \$ _____

Postage
 \$ _____

Total Postage and Fees
 \$ _____

Sent To
 Street and Apt. No., or PO Box No. _____

City, State, ZIP+4® _____

20-C-205
 10/13/2020
 Postmark Here

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TO Secretary of State
For Service

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

A TRUE COPY
 ATTEST

Virginia M. Sine
 Clerk Circuit Court

By: Belinda Tatum
 Deputy Clerk

FILED | 10/19/2020 11:40 AM
 CC-02-2020-C-205
 Berkeley County Circuit Clerk
 Virginia Sine

7020 0090 0001 7243 3183

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Extra Services & Fees (check box, add fee as appropriate)	\$	
<input type="checkbox"/> Return Receipt (hardcopy)	\$	
<input type="checkbox"/> Return Receipt (electronic)	\$	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$	
<input type="checkbox"/> Adult Signature Required	\$	ISS & MAILED TO Secretary of State For Service
<input type="checkbox"/> Adult Signature Restricted Delivery	\$	
Postage	\$	
Total Postage and Fees	\$	
Sent To		
Street and Apt. No., or PO Box No.	Turner Transportation	
City, State, ZIP+4®	Group Inc	

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

A TRUE COPY
 ATTEST

Virginia M. Sine
 Clerk Circuit Court

By: Dulinda Kesser
 Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

The following supporting documents was FILED on 10/19/2020 11:40:50 AM

Notice Date: 10/19/2020 11:40:50 AM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtsww.gov

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court

By: Belinda Parsons
Deputy Clerk

Bowles Rice

Attorneys at Law

101 South Queen Street, Martinsburg, WV 25401
P.O. Drawer 1419, Martinsburg, WV 25402-1419
304.263.0836

Joseph L. Caltrider
jcaltrider@bowlesrice.com
T 304.264.4214
F 304.267.3822

2020 OCT 20 PM 2:42
BC CIRCUIT CLERK, WV

FILED | 10/20/2020 4:22 PM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

125 Granville Square, Suite 400
Morgantown, WV 26501

501 Avery Street
Parkersburg, WV 26101

1217 Chapline Street
Wheeling, WV 26003

Southpointe Town Center
1800 Main Street, Suite 200
Canonsburg, PA 15317

480 West Jubal Early Drive, Suite 130
Winchester, VA 22601

bowlesrice.com

October 16, 2020

Honorable Virginia Sine
Clerk, Berkeley County Circuit Court
Berkeley County Judicial Center
380 West South Street
Martinsburg, West Virginia 25401

Re: Mark Foltz v. Robert Fields and Turner Transportation Group, Inc.

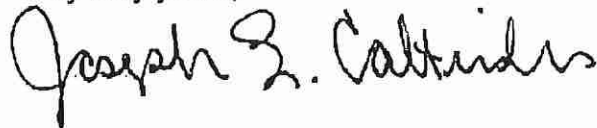
Dear Ms. Sine:

I write to request a complete copy of the Court's file for the above-referenced matter.

Once the copies are ready, please notify my secretary, Kim Fraley, at 304.264.4233 so she can have someone pick them up.

Thank you for your assistance.

Very truly yours,



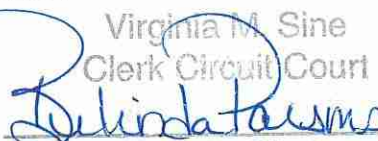
Joseph L. Caltrider

JLC/kmf

\$84.00

Done 10/20/2020
By B. Adams

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court
By: 
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

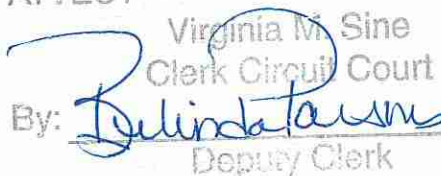
The following supporting documents was FILED on 10/20/2020 4:22:10 PM

Notice Date: 10/20/2020 4:22:10 PM

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CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtsww.gov

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ATTEST

By: 
Belinda Parsons
Deputy Clerk

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Virginia Sine

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USPS TRACKING #

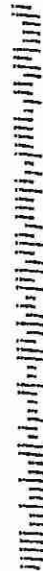


9590 9402 5877 0038 6121 80

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VIRGINIA M. SINE
CIRCUIT CLERK
380 W. SOUTH STREET
SUITE 2200
MARTINSBURG, WV 25401





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ATTEST

Virginia M. Sine
Clerk Circuit Court

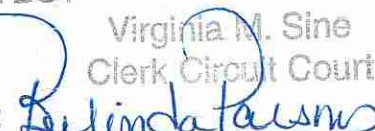
By:

DeLinda Tauson
Deputy Clerk

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>WV BUSINESS ONE STOP CENTER ATTN: SERVICE OF PROCESS SECTION 1615 WASHINGTON STREET, EAST CHARLESTON, WV 25311-2126</p> <p>9590 9402 5877 0038 6121 80</p> <p>7020 0040 0001 7243 9183 11</p> <p>Article Number (Transfer from Service Label)</p>		<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:  67:1744 08 100 0302 </p>	
<p>2. Article Number (Transfer from Service Label)</p> <p>7020 0040 0001 7243 9183 11</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

A TRUE COPY
ATTEST

By: 
Deputy Clerk

Virginia M. Sine
Clerk Circuit Court



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

The following supporting documents was FILED on 10/30/2020 1:44:57 PM

Notice Date: 10/30/2020 1:44:57 PM

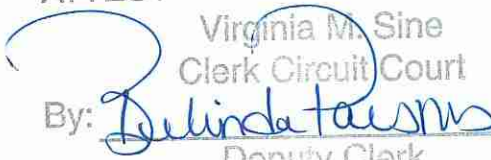
Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtswv.gov

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ATTEST

Virginia M. Sine
Clerk Circuit Court

By:


Deputy Clerk

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CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

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CHARTERED MAIL 250 20 OCT 2020 PM 12 L	
United States Postal Service	
	<p>• Sender: Please print your name, address, and ZIP+4® in this box •</p> <p>VIRGINIA M. SINE CIRCUIT CLERK 380 W. SOUTH STREET SUITE 2200 MARTINSBURG, WV 25401</p>
	05982650

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ATTEST

By: Virginia M. Sine
Clerk Circuit Court
By: Deirdra Parsons
Deputy Clerk

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to:</p> <p>WV BUSINESS ONE STOP CENTER ATTN: SERVICE OF PROCESS SECTION 1615 WASHINGTON STREET, EAST, CHARLESTON, WV 25311-2126</p>		<p>A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>[Signature]</u> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7020 0090 0001 7243 3150</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Registered Mail[®] <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail[®] <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation[™] <input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Receipt</p>	

A TRUE COPY
ATTEST

By: [Signature]
Deputy Clerk

Virginia M. Sine
Clerk Circuit Court



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA
Mark Bradley Foltz v. Robert Webster Fields Jr.
CC-02-2020-C-205

The following supporting documents was FILED on 10/30/2020 1:46:53 PM

Notice Date: 10/30/2020 1:46:53 PM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtsww.gov

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Virginia M. Sine
Clerk Circuit Court
By: Belinda Parsons
Deputy Clerk

FILED | 11/2/2020 2:00 PM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

BERKELEY COUNTY CIRCUIT COURT
380 W SOUTH STREET
SUITE 2200
Martinsburg, WV 25401-3210

Control Number: 265030

Defendant: TURNER TRANSPORTATION
GROUP INC.
1062 FLORIDA AVENUE
HAGERSTOWN, MD 21740 US

County: Berkeley

Civil Action: 20-C-205

Certified Number: 92148901125134100002863682

Service Date: 10/26/2020

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your unauthorized foreign corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your unauthorized foreign corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, **not to the Secretary of State's office.***

Sincerely,

Mac Warner

Mac Warner
Secretary of State

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court

By: *Bulinda Pauson*
Deputy Clerk

SUMMONS

RETURN

E-FILED | 10/9/2020 2:35 PM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT OF BERKELEY WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Turner Transportation Group, Inc., 1062 Florida Avenue, Hagerstown, MD 21740

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Ronald Harman, PO Box 1938, Martinsburg, WV 25402

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

10/9/2020 2:35:55 PM

Date

/s/ Virginia Sine

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

☐ Not Found in Bailiwick

Date

Server's Signature

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court

By: Bulinda Pausmo
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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Notice Date: 11/2/2020 2:00:17 PM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtsww.gov

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ATTEST

Virginia M. Sine
Clerk Circuit Court
By: Belinda Parsons
Deputy Clerk

FILED | 11/2/2020 2:03 PM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

Office of the Secretary of State
Building 1 Suite 157-K
1900 Kanawha Blvd E.
Charleston, WV 25305



Mac Warner
Secretary of State
State of West Virginia
Phone: 304-558-6000
886-767-8683
Visit us online:
www.wvsos.com

BERKELEY COUNTY CIRCUIT COURT
380 W SOUTH STREET
SUITE 2200
Martinsburg, WV 25401-3210

Control Number: 265031

Defendant: ROBERT WEBSTER FIELDS JR
14407 MARSH PIKE
PO BOX 2210
HAGERSTOWN, MD 21742 US

County: Berkeley

Civil Action: 20-C-205

Certified Number: 92148901125134100002863699

Service Date: 10/26/2020

I am enclosing:

1 summons and complaint

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in your name and on your behalf.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in your name and on your behalf as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, **not to the Secretary of State's office.***

Sincerely,

Mac Warner

Mac Warner
Secretary of State

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court
By: *Delinda Tausman*
Deputy Clerk

SUMMONS

RETURN

E-FILED | 10/9/2020 10:46 AM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

IN THE CIRCUIT OF BERKELEY WEST VIRGINIA
Mark Bradley Foltz v. Robert Webster Fields Jr.

Service Type: Secretary of State - Certified - Including Copy Fee

NOTICE TO: Robert Webster Fields Jr., 14407 Marsh Pike, P. O. Box 2210, Hagerstown, MD 21742

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE OPPOSING PARTY'S ATTORNEY:

Ronald Harman, PO Box 1938, Martinsburg, WV 25402

THE ANSWER MUST BE MAILED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT.

SERVICE:

10/9/2020 10:46:41 AM

Date

/s/ Virginia Sine

Clerk

RETURN ON SERVICE:

☐ Return receipt of certified mail received in this office on _____

☐ I certify that I personally delivered a copy of the Summons and Complaint to _____

☐ Not Found in Bailiwick

Date

Server's Signature

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court

By: Deirdra Sine
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

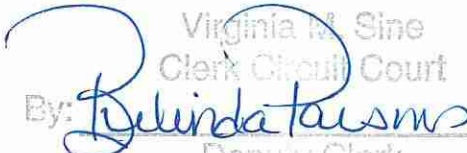
The following supporting documents was FILED on 11/2/2020 2:03:34 PM

Notice Date: 11/2/2020 2:03:34 PM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtswv.gov

A TRUE COPY
ATTEST

By: 
Belinda Parsons
Deputy Clerk

FILED | 11/12/2020 1:12 PM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

Baird, Lu

From: Parsons, Belinda
Sent: Tuesday, October 6, 2020 4:38 PM
To: Baird, Lu
Subject: FW: Return receipt for TURNER TRANSPORTATION GROUP, INC. (20-C-205)

From: donotreply@wvsos.com <donotreply@wvsos.com>
Sent: Tuesday, October 6, 2020 1:41 PM
To: Parsons, Belinda <Belinda.Parsons@courtsww.gov>
Subject: Return receipt for TURNER TRANSPORTATION GROUP, INC. (20-C-205)

A return receipt has been received for TURNER TRANSPORTATION GROUP, INC..

The civil action number on file is 20-C-205.

More information can be found on our website:

<http://apps.sos.wv.gov/business/service-of-process/Home/Details/262328>

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court
By: Belinda Parsons
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Ronald M. Harman
dpuller@burkeandschultz.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

The following supporting documents was FILED on 11/12/2020 1:12:38 PM

Notice Date: 11/12/2020 1:12:38 PM

Virginia Sine
CLERK OF THE CIRCUIT
Berkeley
380 W. South Street
MARTINSBURG, WV 25401

(304) 264-1918
belinda.parsons@courtsww.gov

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court
By: Belinda Parsons
Deputy Clerk

FILED | 11/12/2020 1:24 PM
 CC-02-2020-C-205
 Berkeley County Circuit Clerk
 Virginia Sine

Mac Warner
Secretary of State
 Bldg. 1, Suite 157-K
 1900 Kanawha Blvd. East
 Charleston, WV 25305-0770
 Phone: 304-558-6000
 Toll-free: 866-767-8683

**INVOICE**

Date: 10/26/2020
 Invoice #: 536537

Bill to:
 CLERK OF THE CIRCUIT COURT OF BERKELEY COUNTY
 380 W SOUTH STREET
 SUITE 2200
 Martinsburg, WV 25401-3210

Reference #: 20-C-205
 Defendant name: TURNER TRANSPORTATION
 GROUP INC & ROBERT WEBSTER FIELDS JR
 County: BERKELEY

Reference: 20-C-205

Invoice summary

Service	Service #	Qty	Unit Cost	Subtotal	Description
Service - US defendant	15	1	\$20.00	\$20.00	Filing fee for case #20-C-205

Remaining balance (pay this amount): \$20.00

Payment methods

Payment is due at time of service.

Accepted payment methods are check, credit card, or Intergovernmental Transfer (IGT).

Intergovernmental transfer

State agencies using IGT: please follow the WVOASIS allocation instructions below for each billed item:

Make sure to specify INVOICE ID #536537.

Service Id	OASIS Account # Fund Dept Unit Rev Function	Invoice Id	Amount
15	0155-1600-1003-5592-5712	536537	\$10.00
	1612-1600-1003-6696-5712	536537	\$10.00

*Paid in October's Month
 end Closing*

Jm

11-10-2020

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 ATTEST

Virginia M. Sine
 Clerk Circuit Court
 By: *Delinda Tausms*
 Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

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FILED | 11/16/2020 1:29 PM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

Baird, Lu

From: Parsons, Belinda
Sent: Monday, November 16, 2020 10:14 AM
To: Baird, Lu
Subject: FW: Return receipt for ROBERT WEBSTER FIELDS, JR. (20-C-205)

From: donotreply@wvsos.com <donotreply@wvsos.com>
Sent: Monday, November 16, 2020 10:07 AM
To: Parsons, Belinda <Belinda.Parsons@courtsww.gov>
Subject: Return receipt for ROBERT WEBSTER FIELDS, JR. (20-C-205)

A return receipt has been received for ROBERT WEBSTER FIELDS, JR..

The civil action number on file is 20-C-205.

More information can be found on our website:

<http://apps.sos.wv.gov/business/service-of-process/Home/Details/262329>

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IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

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The following supporting documents was FILED on 11/16/2020 1:29:29 PM

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Virginia M. Sine
Clerk Circuit Court
By: Belinda Parsons
Deputy Clerk

Bowles Rice

Attorneys at Law

101 South Queen Street, Martinsburg, WV 25401
P.O. Drawer 1419, Martinsburg, WV 25402-1419
304.263.0836

Joseph L. Caltrider
jcaltrider@bowlesrice.com
T 304.264.4214
F 304.267.3822

E-FILED | 11/23/2020 4:46 PM
CC-02-2020-C-205
Berkeley County Circuit Clerk
Virginia Sine

125 Granville Square, Suite 400
Morgantown, WV 26501

501 Avery Street
Parkersburg, WV 26101

1217 Chapline Street
Wheeling, WV 26003

Southpointe Town Center
1800 Main Street, Suite 200
Canonsburg, PA 15317

480 West Jubal Early Drive, Suite 130
Winchester, VA 22601

bowlesrice.com

November 23, 2020

Honorable Virginia Sine
Clerk, Berkeley County Circuit Court
Berkeley County Judicial Center
380 West South Street
Martinsburg, West Virginia 25401

VIA E-FILING

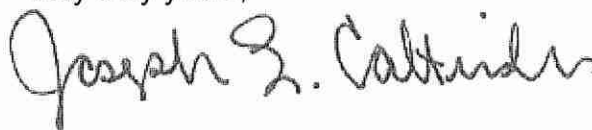
Re: Foltz v Fields, et al.
Berkeley County Civil Action No. 20-C-205

Dear Ms. Sine:

This is to request a certified copy of the entire court file for the above-referenced civil action. When it is ready, please call my secretary, Kim Fraley, at 304.264.4233 so that she can make arrangements for someone to pick it up.

Thank you for your assistance.


Very truly yours,



Joseph L. Caltrider

JLC/kmf

A TRUE COPY
ATTEST

Virginia M. Sine
Clerk Circuit Court
By: 
Deputy Clerk



West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Joseph Caltrider
jcaltrider@bowlesrice.com

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

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West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Doe Defendant 1

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

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CC-02-2020-C-205

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West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Doe Defendant 2

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IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

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West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Doe Defendant 3

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

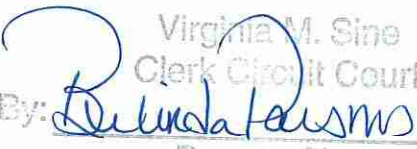
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West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Doe Defendant 4

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

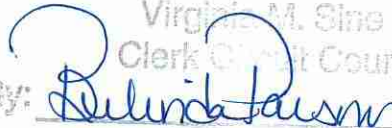
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West Virginia E-Filing Notice

CC-02-2020-C-205

Judge: Michael Lorensen

To: Doe Defendant 5

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West Virginia E-Filing Notice

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Judge: Michael Lorensen

To: Doe Defendant 6

NOTICE OF FILING

IN THE CIRCUIT COURT OF BERKELEY COUNTY, WEST VIRGINIA

Mark Bradley Foltz v. Robert Webster Fields Jr.

CC-02-2020-C-205

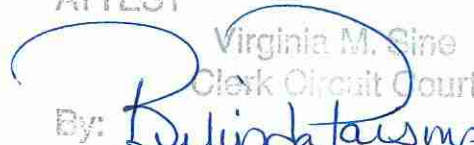
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West Virginia E-Filing Notice

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Judge: Michael Lorensen

To: Doe Defendant 8

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West Virginia E-Filing Notice

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Judge: Michael Lorensen

To: Doe Defendant 9

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West Virginia E-Filing Notice

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Judge: Michael Lorensen

To: Doe Defendant 10

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